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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/695,210

10/28/2003

Pankaj Mehra

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INTELLECTUAL PROPERTY ADMINISTRATION  
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EXAMINER

SEYE, ABDOU K

ART UNIT

PAPER NUMBER

2194

NOTIFICATION DATE

DELIVERY MODE

06/09/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/695,210	<b>Applicant(s)</b> MEHRA ET AL.	
	<b>Examiner</b> Abdou Karim Seye	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-34 are currently pending in this application. However, claim 19 is depending of claim 19 from this claim list filed. According to the examiner the claim should be depending of claim 11.

Applicant is required to correct claim dependency in response to this office action.

### Claim Rejections - 35 USC § 102

2.The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

3. Claims 1-5, 9, 11-15, 19, 21-22, 25-34 are rejected under 35 U.S.C. 102(e) as being anticipated by **Craddock et al (U.S 20030061379)**.

4. As to claims 1, 11, 21 and 30 Craddock teaches the invention as claimed including an electronic system, method and product comprising:

a processor (FIG. 1: 126);

a network interface controller including a hardware port (FIG. 1:184; paragraph 31;

FIG. 2: 230; paragraph 36);

a source-routed virtual switch (FIG. 2: 200; FIG. 3A) implemented in software executed by said processor and including a plurality of software-implemented virtual ports (FIG. 2: 214,216, 218, 220), said virtual ports adapted to provide communication between an application (FIG. 6: 614; where the client process is an application accessing the resources) running on said processor and said network interface controller; and

an application programming interface ("API") (FIG.2 : 222; paragraph 37 and 65) running on said processor and usable by said application to interface with said virtual switch;

wherein said electronic system is an end node in a network (FIG. 2 : 210/212; paragraph, 27 and 37; where a channel adapter within the system is an end node ) .

5. As to claims 2 and 12 , Craddock teaches, wherein said API includes code that permits an application to register itself with the virtual switch to permit a resource to be assigned to said application (FIG. 6: 642/668; where the claimed elements "LID/GID" of Craddock reference meet the claimed limitation of the claim).

6. As to claims 3 and 13, Craddock teaches, wherein said API includes code that permits an application to register itself with the virtual switch to permit a unique identifier

to be assigned to said application (paragraph 25).

7. As to claims 4,14 and 22 Craddock teaches, wherein said API further includes code to deregister said application from virtual switch to release a resource that has been assigned for use by said application (paragraph 77; where the claimed element “free the resource” of Craddock reference meets the claimed limitation of the claim).

8. As to claims 5 and 15, Craddock teaches wherein said API includes code to permit said application to transmit data through said virtual switch to another application(FIG. 2 “message and data” sent and received between processes).

9. As to claims 9 and 19, Craddock teaches, wherein said API includes to permit the application to inform the virtual switch that the application is ready to receive data (FIG. 6: 622/624; where the” send and receive” command functions of Craddock reference meet the claimed limitations of the claim).

10. As to claims 25-29, they are rejected for the same reasons as claims 1-2, 4-5, 11, 21 and 30 above.

11. As to claim 31, it is rejected for the same reasons as claims 2 and 4 above.

12. As to claim 32, it is rejected for the same reasons as claims 5 and 9 above.

13. As to claim 33, Craddlock teaches, wherein said source-routed virtual switch receives a packet containing routing information, said routing information identifying an application (paragraph 19 and 24).

14. As to claim 34, Craddlock teaches, wherein said unique identifier assigned to the application is different than an identifier requested for the application (paragraph 24-25).

### **Claim Rejections - 35 USC § 103**

15. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 6-8, 10, 16-18, 20 and 23-24 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Craddock et al (U.S 20030061379) in view of White et al (US 20030046657).

17. As to claims 6-8, 16-18, 23-24 Craddock teaches the invention substantially as in claims 1, 11, 21, 25 and 30 above.

18. However, Craddock does not explicitly teach that, said API includes code to cause said virtual switch to open a handle and to post a receive buffer on said handle; and said code that causes the virtual switch to open a handle and post a receive also includes code to transition said handle between a first state and a second state; and said API also includes code for closing said handle.

19. Whereas, in the same field of endeavor White discloses a graphical program operable coupled with a virtual switching system and an open and close session connection handle operation ; and switching/transition from one state to another state ( paragraph 349-3697 and 383); where the session handling, are known in the art for open and close session and posting a received buffer).

20. It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify Craddock's invention with White's invention to include a session handler with a open and close handle and a switching/transition state mechanism for

connecting and disconnecting route. One would be motivated combine these two references in order to improve relay lifetime and reduction in execution time (White's; paragraph 0539).

21. As to claims 10 and 20, it rejected for the same reasons as claims 9 and 19 above.

### ***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, An Meng at (571) 272-3756. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

/Meng-Ai An/  
Supervisory Patent Examiner, Art Unit 2195